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AMENDED IN SENATE JUNE 23, 2015
AMENDED IN ASSEMBLY MAY 5, 2015
AMENDED IN ASSEMBLY APRIL 20, 2015
AMENDED IN ASSEMBLY APRIL 6, 2015
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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1461

Introduced by Assembly Members Gonzalez, Alejo, and McCarty
(~~Coauthor:~~Coauthors: Assembly Member Members Eduardo Garcia
***and Mullin*)**

February 27, 2015

An act to amend Sections 2100 and 2102 of, and to add Chapter 4.5 (commencing with Section 2260) to Division 2 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1461, as amended, Gonzalez. Voter ~~registration.~~ *registration: California New Motor Voter Program.*

Existing law, the federal National Voter Registration Act of 1993, requires a state to, among other things, establish procedures to register a person to vote by application made simultaneously with an application for a new or renewal of a motor vehicle driver's license. The federal act requires the motor vehicle driver's license application to serve as an application for voter registration with respect to an election for federal office, unless the applicant fails to sign the application, and requires

the application to be considered as updating the applicant's previous voter registration, if any. The federal act defines "motor vehicle driver's license" to include any personal identification document issued by a state motor vehicle authority.

Under existing state law, a person may not be registered to vote except by affidavit of registration. Existing law requires a properly executed affidavit of registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted to the Department of Motor Vehicles on or before the 15th day before the election. Existing state law requires the Department of Motor Vehicles and the Secretary of State to develop a process and the infrastructure to allow a person who is qualified to register to vote in the state to register to vote online.

Existing law requires the Department of Motor Vehicles to issue driver's licenses and state identification cards to applicants who meet specified criteria and provide the department with the required information. Existing law generally requires an applicant for an original driver's license or state identification card to submit satisfactory proof to the department that the applicant's presence in the United States is authorized under federal law.

This bill would require the Secretary of State and the Department of Motor Vehicles to establish the California New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter. Under the program, after the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act, the Department of Motor Vehicles would be required to electronically provide to the Secretary of State the records of each person who, *on or after January 1, 2015*, is issued an original or renewal of a driver's license or state identification card ~~if the proof that the applicant is required to submit to prove that his or her presence in the United States is authorized under federal law also establishes that the applicant is a citizen of the United States; or who provided the department with a change of address, as specified.~~ In turn, the Secretary of State would be required ~~to provide those records to the county elections official of the county in which the person may be registered to vote and to notify the person that he or she will be registered to vote unless he or she declines to be registered within 21 days after the date that the Secretary of State issues the notice, and to provide other information to the person.~~ If a person does not decline to be registered

to vote within that time period, ~~this bill would provide that the person's motor vehicle records shall~~ *would* constitute a completed affidavit of registration and the person ~~shall~~ *would* be registered to vote. ~~This~~ *The* bill would require the Secretary of State to adopt regulations to implement this program, as specified.

Existing law makes it a crime for a person to willfully cause, procure, or allow himself or herself or any other person to be registered as a voter, knowing that he or she or that other person is not entitled to registration.

This bill would provide that if a person who is ineligible to vote becomes registered to vote by operation of the California New Motor Voter Program in the absence of a violation by that person of the crime described above, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person.

This bill would also make conforming changes.

This bill would incorporate additional changes to Section 2102 of the Elections Code, proposed by SB 589, that would become operative only if SB 589 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2100 of the Elections Code is amended
2 to read:
3 2100. A person shall not be registered except as provided in
4 this chapter or Chapter 4.5, except upon the production and filing
5 of a certified copy of a judgment of the superior court directing
6 registration to be made.
7 SEC. 2. Section 2102 of the Elections Code, as amended by
8 ~~Chapter 909 of the Statutes~~ *Section 6.5 of the Statutes* Chapter 909 of the Statutes
9 of 2014, is amended to read:
10 2102. (a) Except as provided in Chapter 4.5, a person shall
11 not be registered as a voter except by affidavit of registration. The
12 affidavit shall be mailed or delivered to the county elections official
13 and shall set forth all of the facts required to be shown by this
14 chapter. A properly executed registration shall be deemed effective
15 upon receipt of the affidavit by the county elections official if
16 received on or before the 15th day prior to an election to be held

1 in the registrant's precinct. A properly executed registration shall
2 also be deemed effective upon receipt of the affidavit by the county
3 elections official if any of the following apply:

4 (1) The affidavit is postmarked on or before the 15th day prior
5 to the election and received by mail by the county elections official.

6 (2) The affidavit is submitted to the Department of Motor
7 Vehicles or accepted by any other public agency designated as a
8 voter registration agency pursuant to the federal National Voter
9 Registration Act of 1993 (52 U.S.C. 20501 et seq.) on or before
10 the 15th day prior to the election.

11 (3) The affidavit is delivered to the county elections official by
12 means other than those described in paragraph (1) and (2) on or
13 before the 15th day prior to the election.

14 (4) The affidavit is submitted electronically on the Internet Web
15 site of the Secretary of State pursuant to Section 2196 on or before
16 the 15th day prior to the election.

17 (b) For purposes of verifying a signature on a recall, initiative,
18 or referendum petition or a signature on a nomination paper or any
19 other election petition or election paper, a properly executed
20 affidavit of registration shall be deemed effective for verification
21 purposes if both of the following conditions are satisfied:

22 (1) The affidavit is signed on the same date or a date prior to
23 the signing of the petition or paper.

24 (2) The affidavit is received by the county elections official on
25 or before the date on which the petition or paper is filed.

26 (c) Notwithstanding any other law to the contrary, the affidavit
27 of registration required under this chapter shall not be taken under
28 sworn oath, but the content of the affidavit shall be certified as to
29 its truthfulness and correctness, under penalty of perjury, by the
30 signature of the affiant.

31 (d) A person who is at least 16 years of age and otherwise meets
32 all eligibility requirements to vote may submit his or her affidavit
33 of registration as prescribed by this section. A properly executed
34 registration made pursuant to this subdivision shall be deemed
35 effective as of the date the affiant will be 18 years of age, if the
36 information in the affidavit of registration is still current at that
37 time. If the information provided by the affiant in the affidavit of
38 registration is not current at the time that the registration would
39 otherwise become effective, for his or her registration to become

effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.

SEC. 2.5. Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, is amended to read:

2102. (a) ~~Except as provided in Chapter 4.5, a person shall~~ not be registered as a voter except by affidavit of registration. The affidavit of registration shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed affidavit of registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day ~~prior to~~ before an election to be held in the registrant's precinct. A properly executed affidavit of registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day ~~prior to~~ before the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 ~~(42 (52 U.S.C. Sec. 1973gg 20501 et seq.)~~ on or before the 15th day ~~prior to~~ before the election.

(3) The affidavit is delivered to the county elections official by means other than those described in ~~paragraph~~ paragraphs (1) and (2) on or before the 15th day ~~prior to~~ before the election.

(4) The affidavit is submitted electronically on the Internet Web site of the Secretary of State pursuant to Section 2196 on or before the 15th day ~~prior to~~ before the election.

(b) For purposes of verifying a signature on a recall, initiative, or referendum petition or a signature on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date ~~prior to~~ before the signing of the petition or paper.

(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other law to the contrary, the affidavit of registration required under this chapter shall not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

(d) A person who is at least 16 years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed *affidavit of registration* made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the *affidavit of registration* would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.

(e) *An individual with a disability who is otherwise qualified to vote may complete an affidavit of registration with reasonable accommodations as needed.*

(f) *An individual with a disability who is under a conservatorship may be registered to vote if he or she has not been disqualified from voting.*

SEC. 3. Chapter 4.5 (commencing with Section 2260) is added to Division 2 of the Elections Code, to read:

CHAPTER 4.5. CALIFORNIA NEW MOTOR VOTER PROGRAM

2260. This chapter shall be known and may be cited as the California New Motor Voter Program.

2261. The Legislature finds and declares all of the following:

(a) Voter registration is one of the biggest barriers to participation in our democracy.

(b) In 1993, Congress enacted the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.), commonly known as the “Motor Voter Law,” with findings recognizing that the right of citizens to vote is a fundamental right; it is the duty of federal, state, and local governments to promote the exercise of the right to vote; and the primary purpose of the act is to increase the number of eligible citizens who register to vote.

1 (c) In 2014, with nearly 7 million Californians eligible to vote
2 but not registered, California ~~ranks~~ *ranked* 38th among the 50
3 states in voter registration.

4 (d) In the 2014 elections, voter turnout nationwide was the
5 lowest since World War II, with California ranking 43rd in voter
6 participation.

7 (e) Voting laws and practices have evolved over time with the
8 goal of increasing voter participation, as illustrated by the history
9 of vote by mail. While going to the polls on election day was once
10 the only option for voting, vote by mail voting initially provided
11 an alternate means of voting for voters with an excuse for being
12 absent on election day, then it became an option available to any
13 voter, and eventually the law allowed for permanent vote by mail
14 voters who are automatically sent a vote by mail ballot for every
15 election.

16 (f) Similarly, the federal Motor Voter Law was enacted more
17 than 20 years ago based on a paper voter registration process, but
18 may now use modern electronic data technologies to make voter
19 registration easier, more convenient, and more efficient, while also
20 preserving citizens' choice to decline to be registered or cancel
21 their registration at any time.

22 (g) It is the intent of the Legislature to enact the California New
23 Motor Voter Program to provide California citizens additional
24 opportunities to participate in democracy through exercise of their
25 fundamental right to vote.

26 2262. (a) The Secretary of State and the Department of Motor
27 Vehicles shall establish the California New Motor Voter Program
28 for the purpose of increasing opportunities for voter registration
29 by any person who is qualified to be a voter under Section 2 of
30 Article II of the California Constitution.

31 (b) *This chapter shall not be construed as requiring the*
32 *Department of Motor Vehicles to determine eligibility for voter*
33 *registration and voting.*

34 2263. (a) ~~(1)~~ The Secretary of State, in consultation with the
35 Department of Motor Vehicles, shall establish a schedule for the
36 department to electronically provide to the Secretary of State the
37 records specified in this ~~subdivision~~ *chapter*.

38 ~~(2) Except as provided in paragraph (3), the Department of~~
39 ~~Motor Vehicles shall electronically provide to the Secretary of~~
40 ~~State the records of a person who is issued an original or renewal~~

1 of a driver's license or state identification card if the proof that the
2 applicant is required to submit to prove that his or her presence in
3 the United States is authorized under federal law also establishes
4 that the applicant is a citizen of the United States. The records
5 shall include the person's name, age, residence address, electronic
6 signature, and other voter registration information collected
7 electronically by the Department of Motor Vehicles.

8 (b) (1) The Department of Motor Vehicles shall electronically
9 provide to the Secretary of State records containing all of the
10 following information associated with each person who, on or
11 after January 1, 2015, received an original or renewal driver's
12 license or state identification card, or provided the department
13 with a change of address:

14 (A) Name.

15 (B) Age.

16 (C) Residence address.

17 (D) Electronic signature.

18 (E) The document code or equivalent identifier associated with
19 the document the person provided to prove that his or her presence
20 in the United States is authorized under federal law and that the
21 applicant is a citizen of the United States.

22 (F) Whether the person affirmatively declined to become
23 registered to vote during a transaction with the department.

24 (G) An attestation by the person that he or she meets all voter
25 eligibility requirements.

26 (H) Other information specified in regulations implementing
27 this chapter.

28 (2) Notwithstanding Section 2264, the department may provide
29 the records described in paragraph (1) to the Secretary of State
30 before the Secretary of State certifies that the state has a statewide
31 voter registration database that complies with the requirements
32 of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901
33 et seq.). Records provided pursuant to this paragraph shall only
34 be used for the purposes of outreach and education to eligible
35 voters conducted by the Secretary of State.

36 (3)

37 (c) The department shall not electronically provide the records
38 of a person who applies for or is issued a driver's license pursuant
39 to Section 12801.9 of the Vehicle Code because he or she is unable

1 to submit satisfactory proof that his or her presence in the United
2 States is authorized under federal law.

3 ~~(4)–~~

4 2264. The Department of Motor Vehicles shall not
5 electronically provide records pursuant to this ~~subdivision~~, *chapter*;
6 and the schedule established pursuant to ~~paragraph (1)~~ *Section*
7 2263 shall not provide for the Department of Motor Vehicles to
8 electronically provide records, until *January 1 of the year* after
9 the Secretary of State certifies that the state has a statewide voter
10 registration database that complies with the requirements of the
11 federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et
12 seq.).

13 ~~(b) Upon receipt of records pursuant to subdivision (a), the~~
14 ~~Secretary of State shall provide the records to the county elections~~
15 ~~official of the county in which the person may be registered to~~
16 ~~vote, unless the Secretary of State determines that the person is~~
17 ~~not eligible to register to vote or is already registered to vote.~~

18 ~~(e) The~~

19 2265. *(a) Except as provided in subdivision (b), the Secretary*
20 *of State shall notify each person who is eligible to vote and whose*
21 *records are sent to a county elections official the Secretary of State*
22 *of all of the following:*

23 (1) That he or she will be registered to vote unless he or she
24 declines to be registered within 21 days after the date that the
25 Secretary of State issues the notification.

26 (2) The method by which he or she may decline to be registered
27 to vote.

28 (3) The method by which he or she may include his or her
29 political party preference on his or her voter registration.

30 (4) The method by which he or she may apply for permanent
31 vote by mail status.

32 (5) The method by which he or she may provide a telephone
33 number, email address, or other contact information.

34 (6) *Voter eligibility requirements.*

35 ~~(6)~~

36 (7) Other information specified in regulations adopted pursuant
37 to ~~Section 2266~~. 2269.

38 *(b) The Secretary of State shall not provide notification pursuant*
39 *to subdivision (a) to a person who already registered to vote or*

1 *who affirmatively declined to register to vote during a transaction*
2 *with the department.*

3 ~~(d)~~

4 (c) If a person notified under subdivision ~~(e)~~ (a) does not decline
5 to be registered to vote within 21 days after the date that the
6 Secretary of State issues the notification, the person's records shall
7 constitute a completed affidavit of registration and the person shall
8 be registered to vote.

9 (d) *The Secretary of State shall provide the notification required*
10 *by subdivision (a) in languages other than English, as required*
11 *by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).*

12 (e) *If a person who is registered to vote pursuant to this chapter*
13 *does not provide a party preference, his or her party preference*
14 *shall be designated as "Unknown."*

15 ~~2264.~~

16 2266. A person registered to vote *under this chapter* may cancel
17 his or her voter registration at any time by ~~submitting a request to~~
18 ~~the county elections official pursuant to Section 2201.~~ *any method*
19 *available to any other registered voter.*

20 ~~2265.~~

21 2267. This chapter does not affect the confidentiality of a
22 person's voter registration information, which remains confidential
23 pursuant to Section 2194 of this code and Section 6254.4 of the
24 Government Code and for all of the following persons:

25 (a) A victim of domestic violence, sexual assault, or stalking
26 pursuant to Section 2166.5.

27 (b) A reproductive health care service provider, employee,
28 volunteer, or patient pursuant to Section 2166.5.

29 (c) A public safety officer pursuant to Section 2166.7.

30 (d) A person with a life-threatening circumstance upon court
31 order pursuant to Section 2166.

32 2268. *If a person who is ineligible to vote becomes registered*
33 *to vote pursuant to this chapter in the absence of a violation by*
34 *that person of Section 18100, that person's registration shall be*
35 *presumed to have been effected with official authorization and not*
36 *the fault of that person.*

37 ~~2266. (a)~~

38 2269. The Secretary of State shall adopt regulations to
39 implement this chapter, including regulations addressing ~~both~~ *all*
40 *of the following:*

1 ~~(1)~~

2 (a) The form, content, and language options for the notice
3 described in ~~subdivision (c) of Section 2263~~. Section 2265.

4 ~~(2)~~

5 (b) A process for canceling the registration of a person who is
6 ineligible to vote, but became registered under the California New
7 Motor Voter Program in the absence of any violation by that person
8 of Section 18100.

9 (c) *An education and outreach campaign emphasizing voter*
10 *eligibility requirements that the Secretary of State will conduct to*
11 *implement this chapter. The Secretary may use any public and*
12 *private funds available for this purpose.*

13 SEC. 4. *Section 2.5 of this bill incorporates amendments to*
14 *Section 2102 of the Elections Code, as amended by Section 6.5 of*
15 *Chapter 909 of the Statutes of 2014, proposed by both this bill and*
16 *Senate Bill 589. It shall only become operative if (1) both bills are*
17 *enacted and become effective on or before January 1, 2016, (2)*
18 *each bill amends Section 2102 of the Elections Code, as amended*
19 *by Section 6.5 of Chapter 909 of the Statutes of 2014, and (3) this*
20 *bill is enacted after Senate Bill 589, in which case Section 2 of this*
21 *bill shall not become operative.*